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CARLITO P. CALIBOSO CHAIRMAN

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## STATE OF HAWAII FCC Mail Room PUBLIC UTILITIES COMMISSION

DEPARTMENT OF BUDGET AND FINANCE

465 S. KING STREET, #103 HONOLULU, HAWAII 96813 e-mail: Hawaii.PUC@hawaii.gov

September 29, 2009

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 – 12<sup>th</sup> Street, S.W.
Washington, D.C. 20554

Karen Majcher Vice President, High Cost and Low Income Division Universal Service Administrative Company 2000 L. Street, N.W., Suite 200 Washington, D.C. 20036

Re: Certification of Support for Rural and Non-Rural High-Cost Carriers Pursuant to 47 C.F.R. Sections 54.313-314, CC Docket Nos. 96-45 and 00-256<sup>1</sup>

Dear Ms. Dortch and Ms. Majcher:

Sandwich Isles Communications, Inc. ("Sandwich Isles"), a local exchange carrier; Coral Wireless, LLC ("Mobi PCS"), a commercial mobile radio service provider; and NPCR, Inc. ("NPCR"), in conjunction with Sprintcom, Inc. ("Sprint"), also a commercial mobile radio service provider are designated as eligible telecommunications carriers ("ETCs") within the State of Hawaii.<sup>2</sup>

<sup>&</sup>lt;sup>1</sup>Federal Communications Commission ("FCC")'s Report and Order released March 17, 2005 in CC Docket 96-45, as amended on April 21, 2005.

<sup>&</sup>lt;sup>2</sup>The Hawaii Public Utilities Commission ("Hawaii Commission") designated Sandwich Isles as an ETC on December 9, 1998, in Decision and Order No. 16737 in Docket No. 98-0317. It approved NPCR's request for ETC designation on June 25, 2004 in Decision and Order No. 21089 in Docket No. 03-0104 (on April 30, 2008 in Decision and Order No. 24169 in Docket No. 07-0402, the Hawaii Commission approved an application by Sprintcom, Inc., and NPCR to amend NPCR's ETC designation to include Sprintcom, Inc., in the non-rural telephone company areas where NPCR was previously designated, i.e., the areas served by the state's only ILEC, Hawaiian Telcom, Inc.). The Hawaii Commission approved Mobi PCS' request for ETC designation on February 23, 2007 in Decision and Order No. 23275 in Docket No. 05-0300.

Marlene H. Dortch Karen Majcher September 29, 2009 Page 2

As you are aware, only designated ETCs may receive federal universal service support, and a "carrier that receives such support shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended" as provided under section 254(e) of the Telecommunications Act of 1996 (the "Act"). In addition, the Hawaii Commission established annual certification requirements applicable to Hawaii ETCs in Decision and Order No. 22228 ("D&O 22228"), in Docket No. 05-0243 issued on January 17, 2006.

Sandwich Isles, Mobi PCS, and Sprint have each separately certified to the Hawaii Commission that they will use all federal universal service support funds that they receive for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with section 254(e) of the Act, and that they will comply with all requirements to be eligible for federal universal service support. See enclosed Sandwich Isles' Certification Statement dated September 22, 2009, Sprint's Certification Statement dated June 22, 2009, and Mobi PCS' Certification Statement dated June 30, 2009 (collectively, the "Certification Statements").

Mobi PCS, and Sprint submitted to the Hawaii Commission their annual filings required by Decision and Order No. 22228 on June 30, 2009, however, Mobi's filing was a redacted version that did not include confidential information. ("Annual Filings"). Mobi filed the unredacted version of its annual filing, on August 5, 2009. Sandwich Isles filed a request with the Commission on June 29, 2009, for a ten (10) day extension of time for filing its annual ETC report, for the purpose of finalizing and putting into place a proper form of protective order to cover confidential information in its filing. Sandwich Isles filed its annual ETC report with the Commission on July 10, 2009. The Annual Filings contained: 1) a service quality improvement plan for calendar years 2009 and 2010; 2) a calendar year 2008 progress report identifying capital expenditures for service areas in which they expended universal service fund support; 3) information on any outage, as that term is defined in 47 C.F.R. § 4.5, lasting at least thirty (30) minutes that potentially affected at least ten percent (10%) of the end users' service, or that potentially affected a 911 special facility; 4) information regarding unfulfilled requests for service from potential customers for calendar year 2008, and any attempts to provide service; 5) information on complaints per one thousand (1,000) handsets or lines; 6) certification that the ETC is complying with applicable service quality standards and consumer protection rules; 7) certification that the ETC has the ability to remain reasonably functional in emergency situations; 8) certification that the ETC provides a local usage plan comparable to that offered by the incumbent local exchange carrier in the relevant service areas; and 9) certification that the ETC recognizes that the FCC may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within its service area.

Each of the carriers' Certification Statements and Annual Filings state that each of the ETCs shall use federal universal service support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, and based solely on the foregoing, the Commission hereby certifies the same for each of the ETCs.

Marlene H. Dortch Karen Majcher September 29, 2009 Page 3

If this letter does not fully satisfy the requirements for state certification of carriers to receive federal universal service support for 2009, we hereby request a waiver of the October 1, 2009 deadline to correct any deficiencies.

Please contact Brooke K. Kane, Administrative Director, at (808) 586-2020 to address any questions on this matter.

Sincerely,

Carlito P. Caliboso Chairman

CPC:DB:ac

#### Enclosures

c: Division of Consumer Advocacy, DCCA (w/enc.)

Albert Hee, Sandwich Isles (w/o enc.)

John E. Mitus, Sprint Nextel (w/o enc.)
Peter Gose, Mobi PCS (w/o enc.)

Bruce Nakarnura, Esq.

Pamela J. Larson, Esq.

Dustin M. Monroy, Esq.

William W. Milks, Esq.

### CERTIFICATION STATEMENT SANDWICH ISLES COMMUNICATIONS, INC. PURSUANT TO FCC ORDER NO. 01-157

Section 254(e) of the Telecommunications Act of 1996 requires that an eligible telecommunications carrier receiving federal universal service support "shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended." In FCC Order No. 01-157 issued May 23, 2001, the Federal Communications Commission concluded "that states should be required to file annual certification with the Commission to ensure that carriers use universal service support 'only for the provision, maintenance and upgrading of facilities and services for which the support is intended' consistent with Section 254(e)." Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256, para. 187. Accordingly, the undersigned states and verifies under oath as follows:

- 1. I am an officer of Sandwich Isles Communications, Inc., which is an eligible telecommunications carrier for receiving federal universal service support under Section 214(e) of the Telecommunications Act of 1996. As an eligible telecommunications carrier in the State of Hawaii, I certify, to the best of my knowledge, that Sandwich Isles Communications, Inc.
  - a. complies with applicable service quality standards and consumer protection rules;
  - b. is able to demonstrate its ability to remain reasonably functional in emergency situations:
  - c. is offering a local usage plan comparable to that offered by the incumbent local exchange carrier, and
  - d. acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area.
- 2. All federal universal service support funds received by Sandwich Isles Communications, Inc. during the current calendar year will be used in a manner consistent with Section 254(e); that is, for the provision, maintenance, and upgrading of facilities and services<sup>1</sup> for which the support is intended. The

<sup>&</sup>lt;sup>1</sup> Universal service support funds are not used for the purpose of supporting broadband services, but instead, voice grade access to the public switched network and the other 8 related services and functionalities defined by the FCC to mean "Universal Service," which is codified in Subpart B. Section 54.101 of its rules.

### CERTIFICATION STATEMENT SANDWICH ISLES COMMUNICATIONS, INC. PURSUANT TO FCC ORDER NO. 01-157

company will continue to comply for the period January 1, 2010, through December 31, 2010, to be eligible for federal universal service support.

Commission Communica	n to enable the Commission n that federal universal serv	to the State of Hawaii Public Utilities to certify to the Federal Communications ice support received by Sandwich Isles manner consistent with Section 254(e) of
SEP 2 2 2009		Miles
Date	-	Signature
_ <del>•</del>		Albert S. N. Hee. President Print Name and Title
STATE OF Hawa11	ì	
STATE OF MANAGET		
CITY AND COUNTY OF _	<u>Honolulu</u> )	
Albert S. N. Hee, to foregoing instrument and act	me known to be the person	Notary Rublic, State of Hawaii  Joyce Lynn P.S. Costa  Print Name  My Commission Expires: 2/1/2012
Doc. Date:  Name: Joycelvan P.S. Costa  Doc. Description: Cevic  Story  Signature  NOTARY CERTIFIC	<u>naulih Islus</u> na Augusnt	NN P.O. COLLING OF HAWAIIII

#### BEFORE THE PUBLIC UTILITIES COMMISSION

#### OF THE STATE OF HAWAII

In the Matter of	)
Sprintcom, Inc. and NPCR, Inc.	)
Annual Eligible Telecommunications Carrier (ETC) Filing	) ) )

#### **CERTIFICATION**

#### CERTIFICATION STATEMENT PURSUANT TO FCC ORDER NO. 01-157

Section 254(e) of the Telecommunications Act of 1996 requires that an eligible telecommunications carrier receiving federal universal service support "shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended." In FCC Order No. 01-157 issued May 23, 2001, the Federal Communications Commission concluded "that states should be required to file annual certification with the Commission to ensure carriers use universal service support 'only for the provision, maintenance, and upgrading of facilities and services for which the support is intended' consistent with Section 254(e)." Fourteenth Report and Order, Twenty-Second Order on Reconsideration, and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256, para. 187. Accordingly, the undersigned states and verifies under oath as follows:

- 1. I am an officer of NPCR, Inc. and Sprintcom, Inc. (collectively "Sprint") which is an eligible telecommunications carrier for receiving federal universal service support under Section 214(e) of the Telecommunications Act of 1996. As an eligible telecommunications carrier in the State of Hawaii, I certify, to the best of my knowledge, that Sprint:
  - a) complies with the applicable service quality standards and consumer protection rules;
  - b) is able to demonstrate its ability to remain reasonably functional in emergency situations;
  - c) is offering a local usage plan comparable to that offered by the incumbent local exchange carrier, and

- d) acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area.
- 2. All federal universal service support fund received by Sprint during the current calendar year and during the 2010- calendar year will be used in a manner consistent with Section 254(e); that is, for the provision, maintenance, and upgrading of facilities and services for which the support is intended.
- 3. This Certification Statement is provided to the State of Hawaii Public Utilities Commission to enable the Commission to certify to the Federal Communications Commission that federal universal service support received by Sprint will be used in a manner consistent with Section 254(e) of the Telecommunications Act.

Leonard Barlik
Vice President Wireless and Wireline Services

Subscribed and sworn to before me This 22° day of June, 2009

MICHELE A. BOHNEN

My Appt. Expires 5-19-2012

### BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

## 2009 ANNUAL CERTIFICATION REPORTOF CORAL WIRELESS d/b/a MOBI PCS

## DULY DESIGNATED AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

# <u>CERTIFICATION STATEMENT</u> <u>PURSUANT TO FCC ORDER NO. 01-157</u>

Section 254(e) of the Telecommunications Act of 1996 requires that an eligible telecommunications carrier receiving federal universal service support "shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended." In FCC Order No. 01-157 issued May 23, 2001, the Federal Communications Commission concluded "that states should be required to file annual certification with the Commission to ensure that carriers use universal service support 'only for the provision, maintenance and upgrading of facilities and services for which the support is intended' consistent with Section 254(e)." Fourteenth Report and Order, Twenty-Second Order on Reconsideration and Further Notice of Proposed Rulemaking in CC Docket No. 96-45, and Report and Order in CC Docket No. 00-256, para. 187. Accordingly, the undersigned states and verifies under oath as follows:

- 1. I am an officer of Coral Wireless, LLC d/b/a Mobi PCS (hereinafter Mobi PCS), which is an eligible telecommunications carrier for receiving federal universal service support under Section 214(e) of the Telecommunications Act of 1996. As an eligible telecommunications Carrier in the State of Hawaii, I certify, to the best of my knowledge, that Mobi PCS:
  - a. complies with the applicable service quality standards and consumer protection rules;
  - b. is able to demonstrate its ability to remain reasonably functional in emergency situations;
  - c. is offering a local usage plan comparable to that offered by the incumbent local exchange carrier, and

- d. acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other ETC is providing equal access within the service area.
- 2. All federal universal service support funds received by Mobi PCS during the current calendar year will be used in a manner consistent with Section 254(e); that is, for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The company will continue to comply for the period January 1, 2009, through December 31, 2009, to be eligible for federal universal service support.
- 3. This Certification Statement is provided to the Hawaii Public Utilities Commission to enable the Commission to certify to the Federal Communications Commission that federal universal service support received by Mobi PCS will be used in a manner consistent with Section 254(e) of the Telecommunications Act.

William Jarvis

President and Chief Executive Officer

Subscribed and sworn to before me

This 30 day of VIND

Notary Public

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(NOTARY SEAL)

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